

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE
SEC Brenbrook Drive & Springdell Avenue * ZONING COMMISSIONER
(3707 Springdell Avenue) * OF BALTIMORE COUNTY
2nd Election District * Case No. 89-376 A
2nd Councilmanic District
Robert Gambrell
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 1B02.3.A.3. and 1B02.3.C.1. to permit a rear yard setback of 23' in lieu of the minimum 30' and an amendment to the Final Development Plan of Brenbrook Brea II, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Robert Gambrell, appeared and testified and was supported in his testimony by Joseph Larson, Spellman, Larson and Associates, Inc. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

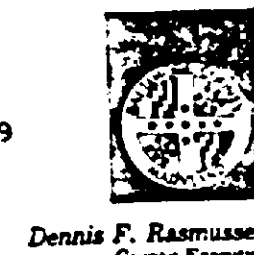
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1989 that the Petition for Zoning Variance from Sections 1B02.3.A.3. and 1B02.3.C.1. to permit a rear yard setback of 23' in lieu of the minimum 30' and an amendment to the Final Development Plan of Brenbrook Brea II, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

(1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:mmm
att.
cc: Peoples Counsel
cc: Mr. Joseph Larson, Spellman, Larson and Assoc., Inc.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3533
J. Robert Haines
Zoning Commissioner

March 22, 1989



Mr. Robert H. Gambrell
P.O. Box 4235
Timonium, Maryland 21093

RE: Petition for Zoning Variance
Case No. 89-376 A

Dear Mr. Gambrell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel

Mr. Joseph Larson, Spellman, Larson and Assoc., Inc.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Date: 3/1/89

Mr. Robert Gambrell
P.O. Box 4235
Timonium, MD 21093

Re: Petition for Zoning Variance
CASE NUMBER: 89-376-A
SEC Brenbrook Drive & Springdell Avenue
3707 Springdell Avenue
2nd Election District - 2nd Councilmanic
Petitioner(s): Robert Gambrell
HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 10:00 a.m.

Dear Mr. Gambrell:

Please be advised that \$101.76 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

YOUR check payable to Baltimore County, Maryland and bring to the Zoning Office, County Office Building, Room 106, 10 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 087472

DATE 3/1/89 ACCOUNT R-01-615-000

AMOUNT \$ 101.76

RECEIVED FROM Robert Gambrell

FOR P.A. for 3/1/89 Hearing 89-376-A

8 01000000101760 1115

VALIDATION OR SIGNATURE OF CARRIER

DATE CARRIER TIME AGENCY YELLOW-DUTCHER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 2nd Date of Posting: 2-23-89
Posted for: Variance
Petitioner: Robert Gambrell
Location of property: SE Corner of Brenbrook Drive and Springdell Avenue
Location of Sign: SE Corner of Brenbrook Drive and Springdell Avenue
Remarks: As per Order
Posted by: J. Robert Haines Date of return: 3-3-89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD, March 7, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 2, 1989.

THE JEFFERSONIAN,

S. Zebe Orlean
Publisher

P010442
ny M25295
puc \$59.40



SPELLMAN, LARSON & ASSOCIATES, INC.
SUITE 107 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
WILLIAM M. SPELLMAN
ALFRED J. JUNGSTEDT, P.L.S.

DESCRIPTION FOR A VARIANCE TO ZONING, 3707 SPRINGDELL AVENUE, SECOND DISTRICT, BALTIMORE COUNTY, MD

Page 1

Beginning for the same at a point on the Southeast side of Springdell Avenue, as widened to a width of 50 feet at the end of the cutoff connecting the Southeast side of Springdell Avenue and the Southwest side of Brenbrook Drive, as widened to a width of 70 feet, and running thence and binding on the Southeast side of Springdell Avenue South 18 Degrees 09 Minutes 25 Seconds West 109.88 feet thence leaving the Eastside of Springdell Avenue and running South 64 Degrees 03 Minutes 31 Seconds East 72.00 feet and North 18 Degrees 09 Minutes 24 Seconds East 102.82 feet to the Southwest side of Brenbrook Drive herein referred to and running thence and binding on the Southwest side of Brenbrook Drive Northwesterly by a curve to the left with a radius of 1040.0 feet the distance of 58.08 feet to the cutoff herein referred to and running thence and binding on said cutoff South 81 Degrees 33 Minutes 42 Seconds West 22.12 feet to the place of beginning.

Containing 0.18 acres of land, more or less.

1/12/89



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION LAYOUT • FEASIBILITY STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3.A.3. and 1B02.3.C.1. To permit a rear yard setback of 23' in lieu of the minimum 30' and an amendment to the Final Development Plan of Brenbrook Brea II, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

(1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Robert Gambrell
(Type or Print Name)
Signature: Robert Gambrell
Address: 105 W. Chesapeake Ave.
City and State: Towson, MD 21204
Attorney for Petitioner: P.O. Box 4235 252-3699
(Type or Print Name) Address Phone No.
City and State: Timonium, MD 21093
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Spellman, Larson & Assoc., Inc.
Address: 105 W. Chesapeake Ave. 823-3535
City and State: Towson, MD 21204
Attorney's Telephone No.: 252-3699

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106 of the County Office Building in Towson, Baltimore County, on the 16th day of March, 1989, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

February 17, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-376-A
SEC Brenbrook Drive & Springdell Avenue
3707 Springdell Avenue
2nd Election District - 2nd Councilmanic
Petitioner(s): Robert Gambrell
HEARING SCHEDULED: THURSDAY, MARCH 16, 1989 at 10:00 a.m.

Variance to permit a rear yard setback of 23 feet in lieu of the minimum 30 ft. and an amendment to the Final Development Plan of Brenbrook Brea II.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Robert Gambrell
Spellman, Larson & Assoc., Inc.
File

APERS OF MARYLAND, INC.
Md. Mar. 1, 1992.....
annexed Reg. # 121224 P.O.# 10420
successive weeks/days, previous
....., 19 22..... in the
i, a daily newspaper published
nister, Carroll County, Maryland,
a weekly newspaper published
in Baltimore County, Maryland,
weekly newspaper published
in Baltimore County, Maryland,
PERS OF MARYLAND, INC.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 3, 1989

COUNTY OFFICE BLDG.
411 W. Chesapeake Ave.
Towson, Maryland 21206

000

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

Mr. Robert Gambrill
P.O. Box 4235
Timonium, MD 21093

RE: Item No. 294, Case No. 89-376-A
Petitioner: Robert Gambrill
Petition for Zoning Variance

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

Dear :

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, my comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE CERTIFICATE IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVEANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-1391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Spellman, Larson & Assoc., Inc.

Fire Department
Towson, Maryland 21204-2346
494-4300

Paul H. Reincke
Chief

February 7, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Robert Gambrell

Location: SE corner of Brenbrook Drive and Springsdell Avenue
Dennis F. Rasmussen
County Executive

Item No.: 294 Zoning Agenda: Meeting of January 24, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Robert J. Kelly*
Planning & Zoning
Special Inspection Division

NOTED &
APPROVED: *John F. O'Neill*
Fire Prevention Bureau

/s/

89-376A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

JOSEPH CARSON

ROBERT H. CAMPBELL

ADDRESS

115 W. Cheapeake Ave

P.O. Box 4225 Trumbull MA

